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Notice of Allowability

Application No.

09/504,156

Examiner

Chuck O. Kendall

Applicant(s)

BROWN ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/11/2005.
2. ☒ The allowed claim(s) is/are 1-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>09/15/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Examiners Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elise Heilbrunn (42,649) on 09/15/05.

The application has been amended as follows:

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IN THE CLAIMS:

2. Please amend claims 1, 13 and 22 as follows:

Claim 1 (Currently Amended)

At line 2, after “ providing replacement functions ”, replace “ for the set of software system services, comprising: ” with, for a stack of software system services, the stack of software system services including one or more layers, each layer representing one of the software system services, wherein lower layers provide services to upper layers in the stack, comprising:

At line 4, after “ request for a primitive function ”, replace “ from one of the set of software system services to another one of the set of software system services,” with down from one of the layers of the stack of software system services to another one of the layers in the stack of system services,

Claim 13 (Previously Amended)

At line 1, after “ providing replacement system functions ”, insert for a stack of software system services, the stack of software system services including one or more layers, each layer representing one of the software system services, wherein lower layers provide services to upper layers in the stack ,

At line 4, before “ the set of primitive software functions replicating ”, replace “ a set of primitive software functions associated with the set of services,” with automatically sending a primitive function request for a set of primitive software functions down from one of the layers of the stack of software system services to another one of the layers in the stack of system services.

Claim 22 (Previously Amended)

At line 2, after “ providing replacement functions ”, replace “ for a set of software system services ” with, for a stack of software system services, the stack of software system services including one or more layers, each layer representing one of the software system services, wherein lower layers provide services to upper layers in the stack

Examiner's Reasons for Allowance

3. Examiner has considered Applicant's response dated 07/11/2005 and after further review of Applicant's Examiner is withdrawing the previous Final rejection of 04/08/05 and placing claims in condition for allowance.

The following is an Examiner's statement of reasons for allowance:

The prior art of record does not teach or fairly suggest at least:

"...automatically sending a primitive function request for a primitive function down from one of the layers of the stack of software system services to another one of the layers in the stack of software system services, the primitive function replicating the system service associated with the another one of the layers in the stack receiving the primitive function request ", as best illustrated by Figure 6 and in such a manner as recited in independent claims 1, 4, 5,7,10,13, 22, and 23.

Therefore, all claims, i.e. claims 1 – 59 are in condition for allowance. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Correspondence Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.


WEI Y. ZHEN
PRIMARY EXAMINER